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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/13/2024

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

PLAINTIFF

-VS-

NO. 11 Cr. 0435 (VM)

JOSE LUIS MATA

DEFENDANT

MOTION TO ORDER THE PROBATION OFFICE  
TO PREPARE A REVISED "PRE-SENTENCE REPORT"

Comes the Defendant - Jose Luis Mata, "pro se", and moves the Court to direct the Probation Office to prepare and submit a revised "Pre-Sentence Report", in which the "two points" added to defendant's Criminal History Category, all as a result of being on parole at the time of the offense (to be deducted in accordance with Amendment 821 of the Guidelines), is to be excluded from the equation since the Government has not objected to defendant's motion, and to which the Court ordered a Response thereto by the 15th day of November, 2024. This defendant has not received a Response from the Government, which the Court is requested to treat as an admission to the merits of the motion.

The Court is further requested to direct the Probation Office to further reduce defendant's Criminal History score by the three (3) points incorrectly included for the conviction imposed on Jose Mata by the United States District Court for the Eastern District of New York, No. 07-CR-597, on June 26, 2007, which was subsequent to the offenses for which he stands convicted in this proceeding, and is not to be included under applicable Guideline sections.

WHEREFORE, the Court is requested to order the Probation Office to prepare and issue a revised Pre-Sentence Report, and exclude the five points incorrectly added to the defendant's Criminal History Category on both counts of the conviction and sentence; and, if necessary, to schedule an evidentiary hearing and appointment of counsel.

Respectfully submitted,

JOSE LUIS MATA #64364053  
FCI - Gilmer  
P O BOX 6000  
Glenville, WV 26351

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy hereof was hand-delivered to prison staff for mailing to the U.S. Attorney, 1st class postage prepaid, this 06 day of December, 2024

Request **DENIED**. The Court hereby denies Defendant's request to sanction the Government's delay in responding to Defendant's Motion.

  
\_\_\_\_\_  
DEFENDANT

SO ORDERED.

  
\_\_\_\_\_  
Victor Marrero  
U.S.D.J.

Dated: December 13, 2024